

2025:PHHC:074281



CR-3070-2025(O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-3070-2025(O&M)

Date of decision : 29.05.2025

Rajbir Kaur

... Petitioner

Versus

Tarsem Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

CM-10995-CII-2025

1. This is an application under Section 151 CPC for reviving of the revision petition.

2. For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the order dated 20.05.2025 is recalled and the main petition is ordered to be restored to its original number.

CR-3070-2025

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 25.03.2025 (Annexure P-3) passed by the Civil Judge (Jr.Div.), Khadur Sahib (District Tarn



CR-3070-2025(O&M)

2

Taran), vide which the defence of the petitioner-defendant no.1 has been struck off.

2. Respondent no.1-plaintiff had filed suit for recovery of Rs.1,83,540/- along with interest. It was the case of respondent no.1-plaintiff that Davinder Singh had taken a loan and had also issued a pronote and receipt in lieu thereof. The present petitioner is defendant no.1 who is the mother of the said Davinder Singh whereas defendant no.2 is widow of Davinder Singh and defendant no.3 in the suit is the son of the deceased Davinder Singh.

3. A perusal of the zimni orders would show that on 29.04.2024, the present petitioner-defendant no.1 was served but defendant no.1 did not appear herself or through counsel and was proceeded against ex-parte. Thereafter, the case was adjourned to 29.05.2024, 11.07.2024, 22.08.2024, 16.09.2024, 14.10.2024, 06.11.2024, 04.12.2024 but the petitioner herself or through counsel did not put in appearance. It is only on 03.01.2025, the counsel for the petitioner appeared and filed an application for setting aside the ex-parte proceedings. It would be relevant to note that in the meantime, defendants no.2 and 3, who are relatives of defendant no.1, were seeking adjournment to file written statement and even costs of Rs.1000/- was imposed on them on 14.10.2024 for taking repeated adjournments. On 21.01.2025, an application filed by the petitioner for setting aside ex-parte order has been allowed but the same was made subject to the costs of

**CR-3070-2025(O&M)****3**

Rs.2000/- and the case was adjourned to 18.02.2025 for filing written statement. On 18.02.2025, neither the cost was paid nor the written statement was filed and the case was adjourned to 04.03.2025 for filing the written statement and the cost was enhanced to Rs.2500/-. Again on 04.03.2025, neither the cost was paid by the petitioner nor the written statement was filed and yet the trial Court gave last opportunity to the petitioner to file written statement. Again on 25.03.2025, the written statement was not filed and accordingly, left with no alternative, the trial Court struck off the defence of the petitioner and the case was adjourned to 29.04.2025 for plaintiff evidence. On 29.04.2025, PW-1 was examined-in-chief and the case was deferred to 23.05.2025 for his cross-examination. A perusal of the paper book would show that every effort has been made by the petitioner to delay the suit filed by respondent no.1-plaintiff for recovery of money. In the said circumstances, the order dated 25.03.2025 vide which the defence of the petitioner has been struck off is in accordance with law and deserves to be upheld.

4. The Hon'ble Supreme Court in the case of "***Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil***", reported as ***(2010) 8 Supreme Court Cases 329***, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the



CR-3070-2025(O&M)

4

orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

5. Keeping in view the abovesaid facts and circumstances, the impugned order is in accordance with law and deserves to be upheld and is accordingly upheld and the present petition being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

May 29, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No